

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re patent application of:

Hallett H. Mathews

Serial No. 09/519,295

Filed: March 6, 2000

METHOD FOR SUBCUTANEOUS
SUPRAFASCIAL PEDICULAR
INTERNAL FIXATION



I hereby certify that this correspondence :
deposited with the United States Postal Service
class mail in an envelope addressed to the
Commissioner for Patents, Washington, D.C. 202
February 4, 2002

(Date of Deposit)

Kenneth A. Gandy

Name of Registered Representative

Kenneth A. Gandy
Signature

February 4, 2002

Date of Signature

February 4, 2002

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
AND CONDITIONAL PETITION FOR REVIVAL**

Office of Petitions
Commissioner of Patents
Crystal Park 1, Suite 520
Washington, D.C. 20231

Sir:

Applicant petitions for withdrawal of the Notice of Abandonment mailed December 3, 2001 in connection with the above case. This petition is made within two months of said mailing date.

The Notice of Abandonment alleged that no Response to the Notice to File Missing Parts dated May 11, 2000 had been received by the Patent and Trademark Office. The records of our office have been checked, and there is no evidence that the Notice of Missing Parts allegedly mailed by the U.S. Patent and Trademark Office has been received in our office as of the date of this Petition. All incoming correspondence to the undersigned's law firm is date-stamped, entered into a computerized docketing system, and then physically placed in the corresponding file. The Notice of Missing Parts is not in our file, nor does our docketing system contain any reference to it. It therefore appears that (1) the Notice of Missing Parts was not sent by the Patent and Trademark Office; and (2) that due to error in transmission, we have not yet received it.

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OFFICE OF PETITIONS

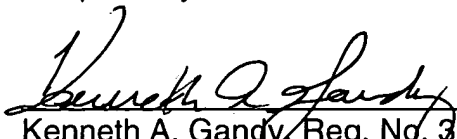
Further, Applicant has diligently followed up upon the filing receipt (none ever received) and status of the file, and has not to date received a response acknowledging the related papers filed. In particular, applicant has previously made two prior filings to this end (Exhibits A and B, attached).

In view of the circumstances, it is submitted that the holding of abandonment is in error, and its withdrawal is requested. Upon its withdrawal, the applicant requests that the Notice to File Missing Parts now be provided to the undersigned attorney.

Alternatively, if such petition to withdraw is not to be granted, applicant requests that this petition be treated as a request for revival for unavoidable abandonment under 37 C.F.R. 1.137(a). Applicant further requests that in view of the circumstances, any and all fees necessary to such petition be waived, and if not to be waived, to be charged to Deposit Account 23-3030.

The office of the undersigned did not receive any Notice to File Missing Parts. Accordingly, the entire delay from the due date for the reply to the Notice to File Missing Parts and the date of this petition was unavoidable.

Respectfully submitted,

By: 
Kenneth A. Gandy, Reg. No. 33,386
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower, Suite 3700
111 Monument Circle
Indianapolis, Indiana 46204-5137
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In re patent application of:

Hallett H. Mathews

Serial No. 09/519,295

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METHOD FOR SUBCUTANEOUS
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on March 20, 2001

(Date of Deposit)
Kenneth A. Gaddy

Name of Registered Representative

Kenneth A. Gaddy

Signature

March 20, 2001

Date of Signature

March 20, 2001

PETITION FOR FILING RECEIPT

Hon. Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

As of the date of submission of this petition, we have not yet received a filing receipt for the above-captioned patent application. After the Patent Office has considered the facts outlined below, it is requested that a filing receipt be issued in connection with this application.

A request for filing a continuation under 37 C.F.R. §1.62 was filed by Express Mail on March 6, 2000. Copies of these papers are submitted herewith as Exhibit A.

Enclosed as Exhibit B is a copy of the postcard which was sent with the afore-mentioned documents (Exhibit A). The postcard is marked with a date stamp of March 6, 2000 .

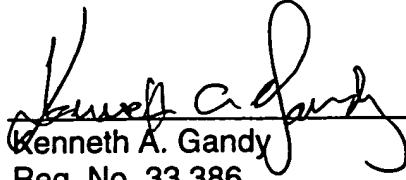
Therefore, upon consideration of these facts, the Patent Office is respectfully requested to issue a filing receipt in connection with this application.

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If there are any questions which may be answered, please do not hesitate to contact the undersigned at the telephone number listed below.

Respectfully submitted,

By


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